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Attorneys for Defendants  
EARTHBOUND FARM, LLC,  
NATURAL SELECTION FOODS  
WELFARE BENEFITS PLAN, THE  
WHITEWAVE FOODS COMPANY, and  
THE WHITEWAVE FOODS COMPANY  
HEALTH & WELFARE PLAN.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THC – ORANGE COUNTY, INC., d/b/a  
KINDRED HOSPITAL SAN FRANCISCO –  
BAY AREA, a California corporation,

Plaintiff,

vs.

EARTHBOUND FARM, LLC; NATURAL  
SELECTION FOODS WELFARE BENEFITS  
PLAN; THE WHITEWAVE FOODS  
COMPANY; THE WHITEWAVE FOODS  
COMPANY HEALTH & WELFARE PLAN;  
and DOES 1 to 100 inclusive,

Defendants.

Case No. 4:17-cv-01136-EMC

Hon. Edward M. Chen

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO FURTHER EXTEND TIME FOR  
DEFENDANTS EARTHBOUND FARM,  
LLC, NATURAL SELECTION FOODS  
WELFARE BENEFITS PLAN, THE  
WHITEWAVE FOODS COMPANY AND  
THE WHITEWAVE FOODS COMPANY  
HEALTH & WELFARE PLAN TO  
RESPOND TO THE COMPLAINT, AND  
TO EXTEND ADR DEADLINES**

Trial Date: None Set

Pursuant to Civil Local Rule 6-2(a), Defendants EARTHBOUND FARM, LLC, NATURAL SELECTION FOODS WELFARE BENEFITS PLAN, THE WHITEWAVE FOODS COMPANY and THE WHITEWAVE FOODS COMPANY HEALTH & WELFARE PLAN (collectively, “Defendants”) and Plaintiff THC – ORANGE COUNTY, INC., d/b/a KINDRED HOSPITAL SAN FRANCISCO – BAY AREA (“Plaintiff”) hereby stipulate, by and through their respective counsel, to extend the time by which Defendants have to answer or otherwise respond to Plaintiff’s Complaint, and extend the time by which the parties must meet the Court’s ADR Deadlines.

WHEREAS, on March 6, 2017, Plaintiff filed the Complaint in this action;

WHEREAS, on March 17, 2017, Plaintiff caused the Summons and Complaint to be served on Defendants, thus rendering Defendants’ responses to the Complaint due on or before April 7, 2017;

WHEREAS, on April 6, 2017, the parties stipulated, pursuant to Civil Local Rule 6-1(a), to extend Defendants’ deadline for answering and or otherwise responding to the Complaint from April 7, 2017 to May 8, 2017;

WHEREAS, on April 24, 2017, this case was reassigned to the Honorable Edward W. Chen with an Order vacating all presently scheduled hearing dates, including the Initial Case Management Conference, which was initially set for June 7, 2017 at 1:30 p.m. by the March 7, 2017 Order Setting Initial Case Management Conference and ADR Deadlines (Dckt. #16; Dckt. #4.);

WHEREAS, the parties stipulate to further extend Defendants’ deadline for answering or otherwise responding to the Complaint from May 8, 2017 to June 7, 2017;

WHEREAS, the parties further stipulate to extend the deadline to file an ADR Certification signed by Parties and Counsel, and Stipulation to ADR Process (or Notice of Need for ADR Phone Conference) from May 17, 2017 to June 16, 2017;

WHEREAS, these extensions will not alter or interfere with any other court deadlines, as no new date has been set for the Initial Case Management Conference;

WHEREAS, good cause exists for the extension because the parties are continuing to engage in informal, good-faith discussions in an effort to resolve this action;

NOW, THEREFORE, pursuant to Civil Local Rule 6-2(a), the Parties hereby agree through their undersigned counsel of record, as follows:

1. Defendants' deadline for answering or otherwise responding to the Complaint shall be continued from May 8, 2017 to June 7, 2017;

2. The deadline under Civil Local Rule 16-8 and ADR Local Rule 3-5 for the filing of the ADR Certification and Stipulation to ADR Process (or Notice of Need for ADR Phone Conference shall be continued from May 17, 2017 to June 16, 2017.

**IT IS SO STIPULATED.**

DATED: April 28, 2017

TRUCKER ♦ HUSS

By: /s/ Clarissa A. Kang

Clarissa A. Kang  
Attorneys for Defendants  
EARTHBOUND FARM, LLC,  
NATURAL SELECTION FOODS  
WELFARE BENEFITS PLAN, THE  
WHITEWAVE FOODS COMPANY and  
THE WHITEWAVE FOODS COMPANY  
HEALTH & WELFARE PLAN

DATED: April 28, 2017

FULTZ MADDOX DICKENS, PLC

By: /s/ Adrienne J. Simon

Adrienne J. Simon  
Attorneys for Plaintiff  
KINDRED HOSPITAL SAN FRANCISCO –  
BAY AREA

1 *Filer's Attestation: Pursuant to Local Rule 5-1(i)(3), I hereby attest that all other signatories*  
2 *listed, and on whose behalf the filing is submitted, concur in the filing's content and have*  
3 *authorized the filing.*

4  
5 DATED: April 28, 2017

TRUCKER ♦ HUSS

6 By: /s/ Clarissa A. Kang

Clarissa A. Kang

Attorneys for Defendants

THE WHITEWAVE FOODS COMPANY and

THE WHITEWAVE FOODS COMPANY

HEALTH & WELFARE PLAN

10 **[PROPOSED] ORDER**

11 Having considered the parties' Stipulation to Further Extend Time To Respond to  
12 Complaint, and Other ADR Deadlines, and good cause appearing therefore, IT IS HEREBY  
13 ORDERED THAT:

14 1. Defendants' deadline for answering or otherwise responding to the Complaint shall  
15 be continued from May 8, 2017 to June 7, 2017;

16 2. The deadline under Civil Local Rule 16-8 and ADR Local Rule 3-5 for the filing of  
17 the ADR Certification and Stipulation to ADR Process (or Notice of Need for ADR Phone  
18 Conference shall be continued from May 17, 2017 to June 16, 2017.

19  
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21  
22  
23 DATED: 4/28, 2017



STIPULATION AND [PROPOSED] ORDER TO FURTHER EXTEND TIME TO RESPOND TO  
COMPLAINT, AND OTHER ADR DEADLINES; Case No. 17-cv-01136-EMC